

**Board for Professional Engineers and Land Surveyors
Board Meeting Minutes
November 16, 2006**

**Hyatt Fisherman's Wharf
555 North Point Street
San Francisco, California, 94133
(415) 563-1234**

Thursday, November 16, 2006, beginning at 9:00 a.m.

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Board Members Present: Arthur Duffy, President; Gregg Brandow; James Foley; Robert Jones; Millicent Safran; Patrick Tami; and Cindy Tuttle.

Board Members Absent: Vice-President Edward Yu and Rick Lyons

Board Staff Present: Cindi Christenson (Executive Officer), Cindy Fernandez (Executive Analyst), Gary Duke (Legal Counsel), Linda Schneider (Liaison Deputy Attorney General), and Nancy Eissler (Enforcement Program Manager),

Public Present: See Attached

1. Roll Call to Establish a Quorum

The meeting was called to order by President Duffy at 9:15 a.m. Roll call was taken, and there was not a quorum. The Board met as a committee until Mr. Jones arrived at 9:35 a.m.

2. Public Comment

There was no Public comment.

**16. Technical Advisory Committee Reports
(No Committee Meetings were held.)**

a. Board Assignments to TACs (Possible Action)

Ms. Christenson will look into who the Board Member Liaisons are to the TACs and will report at the next meeting.

b. Appointment of TAC Members (Possible Action)

MOTION: Mr. Foley/Ms. Tuttle moved to recommend to the Full Board that Dale Wilson be appointed to the Electrical TAC for a period of 2 years.

VOTE: 6-0, motion carried.

8. Approval of Delinquent Reinstatements (Possible Action)

MOTION: Ms. Tuttle/Mr. Foley moved to recommend to the Full Board to approve the Handout of Delinquent Reinstatements as follows:

CHEMICAL

1. Michael A Stowers

Reinstate applicant's chemical license once he pays all delinquent and renewal fees.

CIVIL

1. Richard Dean Luebbbers

Reinstate applicant's civil license once he takes and passes the seismic principles examination, the engineering surveying examination, and the Board's Laws and Regulations Examination, and pays all delinquent and renewal fees.

2. Hemant Mahijibhai Patel

Reinstate applicant's civil license once he takes and passes the seismic principles examination, the engineering surveying examination, and the Board's Laws and Regulations Examination.

NUCLEAR

1. Kenneth L. Highfill

Reinstate applicant's nuclear license once he takes and the Board's Laws and Regulations Examination and pays all delinquent and renewal fees.

VOTE: 6-0, motion carried.

9. Comity and Temporary Authorization Applications (Possible Action)

MOTION: Ms. Tuttle/Mr. Foley moved to recommend to the Full Board to approve the Amended Handout Comity List.

VOTE: 6-0, motion carried

12. Nomination for NCEES Award (Possible Action)

MOTION: Ms. Tuttle/Ms. Safran moved to recommend to the Full Board to nominate Ted Fairfield for the Distinguished Service Award or the

Distinguished Service Award with Special Commendation and to nominate George Shambeck for the Distinguished Service Award.

VOTE: 6-0, motion carried.

13. Administration

d. Land Surveyor Contract Renewal (Possible Action)

MOTION: Mr. Tami/Ms. Safran moved to recommend to the Full Board that it award the PLS Contract to Richard B. Moore.

VOTE: 6-0, motion carried.

14. Enforcement

a. Possible Amendments to Board Rules 475 and 476 (Codes of Professional Conduct) (Possible Action)

Ms. Eissler reviewed the information contained in the agenda packet regarding this item. She advised the Board that after reviewing the language further and discussing it with President Duffy, the staff recommendation should be modified to only delete the first portion of subdivision (c)(8) in both Board Rules 475 and 476.

MOTION: Dr. Brandow/Mr. Tami moved to recommend to the Full Board that to direct staff to proceed with the rulemaking process to amend subdivision(c)(8) of Board Rules 475 and 476 as follows:

(8) A licensee ~~shall attribute proper credit to others for their professional work or professional contribution~~ and shall not misappropriate the professional work of others.

VOTE: 6-0, motion carried.

15. Legislative

a. Discussion of Legislation for 2006, including but not limited to AB 180, AB 1561, AB 1588, AB 2835, AB 2927, and SB 1476, SB 1849 (Possible Action)

Ms. Tuttle reported on the information contained in the agenda.

b. Regulation Status Report

No report was given.

18. President's Report

President Duffy reported that he attended UOP's accreditation and that seven different disciplines were being reviewed. President Duffy encouraged the other Board members to attend if they have the opportunity.

3. Hearing on the Petition for Modification of Penalty of Leslie Curtis Marquoit

The Board heard the Petition for Modification of Penalty of Leslie Curtis Marquoit.

4. Hearing on the Petition for Reinstatement of Revoked License of Dinh Nguyen

The Board heard the Petition for Reinstatement of Revoked License of Dinh Nguyen.

5. Hearing on the Petition for Modification of Penalty of Warren H. Parker

The Board heard the Petition for Modification Penalty of Warren H. Parker.

22. Closed Session – Personnel Matters, Examination Procedures and Results, Administrative Adjudication, and Pending Litigation (As Needed) [Pursuant to Government Code sections 11126(a) and (b), 11126(c)(1), 11126(c)(3), and 11126 (e)(1)]

a. Michael William Foster v. Board for Professional Engineers and Land Surveyors, El Dorado Superior Court Case No. PC 20030492

b. Lawrence B. Karp v. Board for Professional Engineers and Land Surveyors, Court of Appeal First Appellate District, Division 3, Case No. A109241, (San Francisco Superior Court Case No. 402996)

23. Open Session to Announce the Results of Closed Session

Ms. Christenson reported that the Board discussed pending litigation as noticed, specifically; Michael William Foster v. Board for Professional Engineers and Land Surveyors, El Dorado Superior Court Case No. PC 20030492; Lawrence B. Karp v. Board for Professional Engineers and Land Surveyors, Court of Appeal First Appellate District, Division 3, Case No. A109241, (San Francisco Superior Court Case No. 402996); Michael Carlos Laroue v. Board for Professional Engineers and Land Surveyors, Los Angeles Superior Court Case No. BS 100633

Ms. Christenson reported that the Board adopted the results of the take-home examination for the candidates who had previously passed the 8-hour portion of the indicated examinations.

Ms. Christenson reported that the Board approved the successful and unsuccessful appeals of the April 2006 Professional Land Surveying Examination.

Ms. Christenson reported that the Board adopted the Stipulations regarding Frank Blomquist and Clarence Butler and adopted the Proposed Decision regarding Lawrence Speight with Reduction of Penalty.

Ms. Christenson reported that the Board gave an applicant an EIT based upon him taking and passing the exam in Canada.

Ms. Eissler reported that the Board directed the Administrative Law Judge to prepare decisions on the matters of the petitions heard by the Board.

6. Hearing on the Petition for Modification of Penalty of Keith Douglas Masuda

The Board heard the Petition for Reduction of Penalty of Robert Lee Eddy.

7. Closed Session – Administrative Adjudication [Pursuant to Government Code section 11126(c)(3)]

Ms. Eissler reported that the Board directed the Administrative Law Judge to prepare a decision on the matter of the petition heard by the Board.

The following items, Nos. 8, 9, 12, 13d, 14, and 16b, were acted on as a single consent item.

8. Approval of Delinquent Reinstatements (Possible Action)

9. Comity and Temporary Authorization Applications (Possible Action)

12. Nomination for NCEES Award (Possible Action)

13. Administration

d. Land Surveyor Contract Renewal (Possible Action)

14. Enforcement

a. Possible Amendments to Board Rules 475 and 476 (Codes of Professional Conduct) (Possible Action)

16. Technical Advisory Committee Reports

b. Appointment of TAC Members (Possible Action)

Below is the action regarding Items 8, 9, 12, 13d, 14a, and 16b;

MOTION: Mr. Jones/Mr. Foley moved to approve the recommendations of the Committee for Items 8, 9, 12, 13d, 14a, and 16b as a consent item.

VOTE: 7-0, motion carried.

- 24. Approval of Consent Items (Possible Action)**
(These items are before the Board for consent and will be approved with a single motion following the completion of Closed Session. Any item that a Board member wishes to discuss will be removed from the consent items and considered separately.)
- a. Approval of the Minutes of the September 7 & 8, 2006, Board Meeting
 - b. Approval of Candidates for Certification/Licensure (Based on Examination Results, Including Successful Appeals, Adopted in Closed Session)

MOTION: Mr. Jones/Mr. Foley moved to approve the consent calendar.

VOTE: 7-0, motion carried.

10. Retention of Records on the Board's Website (Possible Action)

Mr. Duke reported on this item and provided the Board with handouts and some recommendations in regards to this item.

The Board has concerns on how long various records should remain on the internet/website.

Mr. Duke stated that Record Retention Schedules should be done every five years; our last one was done November 15, 2002.

It was also asked how much discretion the Board has in regards to Record Retention.

President Duffy requested that staff bring a list of all documents and publications that are on our website to the next Board meeting.

Mr. Jones left at 2:35 p.m., and there was no longer a quorum.

11. Report on NCEES Annual Meeting (Possible Action)

- a. **Proposal to Increase Education Requirements to 30 units or a Master's Degree (Possible Action)**

Ms. Christenson reported that she and Mr. Tami attended the NCEES Annual meeting in Alaska and that this item was the most controversial.

Ms. Christenson reported that it did pass, but that it was a very close vote.

- b. **Proposal to Eliminate "Land" from Land Surveying (Possible Action)**

Ms. Christenson reported that it was voted on to NOT remove "Land" from Land Surveying.

- c. **Proposal to Increase Fees (Possible Action)**
Ms. Christenson reported that the Proposal to Increase Fees, passed.
- d. **Proposal to Supply Calculators (Possible Action)**
Ms. Christenson reported that this was a very controversial item and that the engineers are against it.
- e. **Proposal to Require Candidates to Register with NCEES (Possible Action)**
Ms. Christenson reported that this item passed and that there is no cost to us.

13. **Administration**

- a. **Fund Condition (Possible Action)**
Ms. Christenson reported on the information contained in the agenda.
- b. **FY 2006-07 Budget (Possible Action)**
Ms. Christenson reported that the Board's FY 2006-07 expenditure budget is \$8,101,000 of which \$1,454,876 has been expended through September 30, 2006. The Board's projected expenditure for FY 2006-07 is \$8,021,963, which will leave a balance of \$83,862.
- c. **FY 2007-08 Budget Change Proposals (Possible Action)**
 - 1. **Subject Matter Experts**
Ms. Christenson reported that the approved funding augmentation as requested to increase SME above the existing \$28 per hour rate was approved by State and Consumer Services Agency in early August and was recently reviewed by Department of Finance.
 - 2. **Government Reporting Requirements (Ch. 691, 1/05)**
Approved with reduction in staff requested to manage additional workload required of legislation enacted in 2004 (SB 1549, Ch. 691).

The Board received and responded to DOF questions regarding both BCPs in late September and early October 2006.
- e. **Land Surveyor Position for FY 2008-09 (Possible Action)**
Ms. Christenson reported that Board staff submitted additional information regarding the Senior Land Surveyor Registrar concept paper to DCA November 13, 2006.
- f. **Publication Review (Possible Action)**
 - 1. **Laws & Rules Publication**
Ms. Christenson stated that we are hoping to have this done around January 2007.

2. Enforcement Bulletin

Ms. Christenson reported that the next Enforcement Bulletin has been delayed and is now expected to be mailed by late December, 2006.

17. Liaison Reports (Possible Action)

a. ABET

Mr. Lyons did an ABET visit to UC Davis and will report on it at the next Board meeting.

b. NCEES

Ms. Christenson reported that she and Mr. Tami attended the NCEES Annual meeting in Alaska in September.

c. Technical and Professional Societies

Mr. DeWitt stated that he was very supportive of Ted Fairfield and George Shambeck's NCEES Award nominations.

19. Executive Officer's Report

1. Administration Report

a. Executive summary report

No additional report given.

2. Personnel

a. New Hires

Ms. Christenson reported that we have hired an evaluator, Vania Sevilla; a cashier, Vicki Kereszt; an enforcement technician, Michelle Clark; and an examination technician, Susan Baker.

b. Vacancies

Ms. Christenson reported that, Ignacio Lopez-Alvarez has resigned as Sr. Staff Mechanical Engineer and that he will be going to Dept. of Water Resources.

3. Enforcement/Examination/Licensing

a. College Outreach

Ms. Christenson reported that we are currently training new staff on our College Outreach Program.

b. Report on Enforcement Activities

No additional report given.

c. Report on Examination Activities

Ms. Christenson reported that overall the examination went well. Mr. Tami attended an examination site and commended staff on the good job that they did.

4. Publications/Website

a. Website Activity Statistics

No additional report given.

5. Other

a. DCA update

20. Approval of Board Travel (Possible Action)

There was no Board travel for approval.

21. Other Items Not Requiring Board Action

Date of Next Board Meeting: January 25 & 26, 2007, Monterey, California

25. Adjourn

The Board adjourned at 4:00 p.m.

PUBLIC PRESENT

Bob DeWitt, CELSOC

William R. Hofferer, CLSA

D'Arcy McLeod, PEGC

Warren Parker